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trial, nor anything upon which to base a judgment of ouster. Dismissal was therefore the proper decree.

Trade Labels—Fraudulent Use—Injunction—Suit by Trade Union.—*Tracy v. Banker*, 49 N. E. Rep. (Mass.) 308. Under St. 1895, c. 462, § 3, entitled, "An act to protect manufacturers from the use of counterfeit labels and stamps," which extends to "any person, association or union;" *held*, that an unincorporated trade union may enjoin the unauthorized use and counterfeiting of a label it has adopted. This is contrary to the earlier decision of *Weener v. Brayton*, 152 Mass. 101, 25 N. E. 46, where technical difficulties in the statute as it then stood precluded a recovery by plaintiff in a similar action. See *Hetterman et al. v. Powers et al.*, 43 S. W. Rep. (Ky.), 180; YALE LAW JOURNAL, vol. VII. No. 5, p. 239, and cases there cited *pro* and *con*.

PROCEDURE.

Arguments to Jury—Reading Lawbooks.—*Griebel v. Rochester Printing Co.*, 48 N. Y. Supp. 505. To permit counsel, in summing up a case, to read extracts from textbook and reports of cases to the jury, *held*, error, if objected to by opposing counsel and exceptions taken thereto. *Reich v. City of New York*, 12 Daly 72; *Bell v. McMaster*, 29 Hun. 272. See 1 Thomp. Trials, p. 720, tit. 4, c. 20, for a general discussion. The reading of such extracts is not relevant to a question of fact and may mislead the jury by inducing them to believe that such a thing is so as a matter of law.

Libel and Slander—Libelous Pleading—Privileged Matter in Pleading—Relation to Issue.—*Union Mut. Life Ins. Co. v. Thomas*, 83 Fed. Rep. 803. In an action by defendant against plaintiff insurance company to recover upon an insurance policy issued by the company on the life of defendant's husband, the company made answer denying the death of insured, and alleging as an affirmative defence that defendant and her attorneys had entered into an agreement and conspiracy to defraud plaintiff; that defendant and her attorneys had no knowledge of the death of the insured, but had alleged his death for the sole purpose of carrying out the conspiracy and fraud. *Held*, libel and slander. The American rule, contrary to the English, is that matter alleged in a pleading, in order to be privileged, must be at least so pertinent to the controversy that it may become the subject of inquiry during the course of the trial.

Criminal Law—Appeal—Review.—*People v. Helmer*, 49 N. E. Rep. (N. Y.) 249. *Held*, that the jurisdiction of the Court of Appeals is confined to the review of questions of law only, and no unanimous decision of the appellate division in a criminal case, not involving the death penalty, that there is evidence supporting or tending to sustain a verdict not directed by the court can be reviewed on appeal (Const., Art. 6, § 9). From this decision, O'Brien, J., vigorously dissents. He maintains that the question in the case—whether there is any evidence to sustain the verdict—has been considered as purely a question of law, ever since the decision of Lord Mansfield, in *Carpenter's Co. v. Haywood*, 1 Doug. 373. See also 1 Greenl. Ev., § 49; *Mason v. Lord*, 40 N. Y. 476. The limitations upon appeals to this court in Const., Art. 6, § 9, embrace three cases only; (1) judgments finally determining actions; (2) final orders in special proceedings; (3) orders granting new trials upon exceptions, where the appellant stipulates that judgment absolute may be rendered in case of affirm-